

Service Date: December 8, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF the Montana	)UTILITY DIVISION
Public Service Commission	)
Interexchange Telecommunications	)DOCKET NO. 92.11.66
Market Monitoring Investigation	)ORDER NO. 5664

NOTICE AND ORDER

1. In Docket No. 88.11.49 the PSC found that MCI, Sprint, Touch America and American Sharecom are public utilities under Montana law, and instituted a three year experimental regulatory structure, which included AT&T. Order No. 5548b. The regulatory structure established in that Docket will be reviewed by the Commission in 1994.

2. The Commission hereby institutes Docket No. 92.11.66 for purposes of monitoring the regulatory structure established in Docket No. 88.11.49, and to require the interexchange carriers and local exchange carriers to provide relevant information regarding the interexchange intrastate long distance telecommunications market during the period of the experiment.

3. The formal parties in this Docket shall be deemed to include: Montana Consumer Counsel, AT&T, MCI, Sprint, Touch America and American Sharecom. Other interexchange carriers may be added as parties at a later date. The parties in this Docket shall also be deemed to include the state's regulated local exchange carriers: U.S. West Communications, PTI Communications, GTE, Project Telephone Company, Ronan Telephone Company, Lincoln Telephone Company, Southern Montana Telephone Company, Hot Springs Telephone Company, and the Telephone Exchange Carriers of Montana (TECOM). The reason for naming the local exchange carriers as parties in this Docket is for the purpose of collecting data, as deemed necessary, to properly analyze the interexchange market. The Commission does not intend to analyze

the rates or regulatory status of local exchange carriers in this Docket.

4.If any entity named above objects to being included as a formal party in this Docket, a written objection must be filed with the Commission within fifteen (15) days after the service date of this Order. The Commission will consider any such objections and issue a ruling thereon.

5.Other interested persons or entities may file a Petition to Intervene in this Docket pursuant to ARM 38.2.2401 et.seq. within forty-five (45) days from the service date of this Order.

6.The Commission staff held a meeting with representatives of some of the interexchange carriers and local exchange carriers on June 16, 1992, to discuss potential data reporting requirements. Selected parties agreed to file comments with the Commission following the meeting.

7.As of the July 1992 deadline for filing comments, the Commission had received a summary from each of AT&T and USWC. Whereas Ms. Brightwell (AT&T) asserts all five IXC's (interexchange carriers) agreed to her summary, Ms. Gillespie's (USWC) letter suggests her comments cannot be construed to represent other than USWC's, opinion. The following summarizes the reporting requirements received from USWC and, AT&T on its and the OCC's behalf.

8.First, USWC's letter lists the following Montana specific information it will provide. Information involving the first three and the fifth items would be reported directly to the Commission, while the fourth would be reported indirectly by each OCC and AT&T. USWC's list follows: 1) A list of IXC's who purchase intra- or interstate switched access; 2) Total (all IXC's) intrastate access minutes of use (MOU) by feature group and by equal and non-equal access offices; 3) The total MOUs for the "5 OCCs" by feature group and by equal and non-equal access offices; 4) USWC will provide each of the "five IXC's" its (the IXC's) specific MOU data by feature group and access office type; and 5) information on customer preference for carriers where equal access is available and presubscription has been completed by means of providing the number of customers presubscribed to

each Carrier in each equal access office.

9. Second, AT&T's letter states each of the "five IXCs"

agree to provide the Commission the following data: 1) Billed minutes of use by generic service categories for Montana: MTS and other; 2) A Montana map showing transmission legs and POPs; and 3) A copy of the annual report to shareholders.

#### MARKET DATA FILING REQUIREMENTS

##### COMMISSION DECISION

10. The Commission concludes that the below information is relevant to and ultimately needed to analyze the success of the three-year experiment. While using AT&T's and USWC's summaries as a starting point, the Commission has clarified and added to the initial letter responses submitted by USWC and AT&T.

11. For purposes of this reporting requirement some definitions and interpretations follow. Other common carriers (OCCs) include the four firms identified as public utilities in Docket No. 88.11.49: MCI, American Sharecom, U.S. Sprint and Touch America. Interexchange carriers include all OCCs, AT&T and other carriers that may or may not qualify as public utilities; although they provide interexchange services local exchange carriers (LECs) are, for purposes of this reporting requirement, excluded from the definition. LECs include USWC, GTE, and PTI. The other regulated local exchange companies are not required to provide information by this Order, but are formal parties in the Docket, and information may be requested from them in the future.

12. The following market data information must be filed by the indicated companies by March 15 of each year, based upon the immediately preceding calendar year (static information as of December 31). MOU data must be based upon calendar year data. The 1991 data must be filed by January 8, 1993. The 1992 data will be due March 15, 1993. The 1993 data will be due March 15, 1994. These due dates are subject to amendment by the Commission, either on the Commission's own motion, or upon motion by a party.

13. The following lists the reporting requirements for the LECs and the OCCs and AT&T.

a. Each LEC shall provide the Commission a list of IXCs who purchased intrastate or interstate switched access during each

calendar year.

b. Each LEC shall provide the Commission a total of all IXC's intrastate access minutes of use (MOU) by feature group and by equal and non-equal access offices.

c. Each LEC shall provide the Commission the total access MOUs for all of the OCCs and AT&T by feature group and by equal and non-equal access offices.

d. Each LEC will provide each OCC and AT&T their respective access MOU by feature group and access office type.

e. Each LEC shall provide the Commission the percent of customers presubscribed to each carrier in each equal-access office and a summation for all such offices using year-end data for each year of the three-year experiment. Such data should be separately reported for residential and other customers for calendar years 1992 and 1993; for year 1991 the data must be reported for both types of customers and separately if data permits.

f. Each OCC and AT&T shall provide the Commission the proprietary data each LEC provided in the fourth item above. Such data must be provided by LEC and aggregated for all LECs. Each OCC and AT&T must explain the percent of its intrastate business that is interlata and intralata in this regard.

g. For each tariff on file during each calendar year of the three-year experiment, each OCC and AT&T must provide the billed minutes of use by rate element.

h. For just the MTS tariff, the OCCs and AT&T must track the initial (January 1, 1991) and subsequent price changes for each mileage band's initial and subsequent minute of use, noting the dates on which any prices change and report the same for each of the three years.

i. Each OCC and AT&T must provide the Commission any available data on the number of "10xxx" residential subscribers in equal access offices, and the OCCs must also provide the number of "950" residential customers in unequal access offices. If such data is not provided, an explanation must be provided.

j. A Montana map showing transmission legs and POPs.

k. A copy of the annual report to shareholders.

l. Each OCC and AT&T must report to the Commission the

deregulated revenues collected from Montana customers.

#### CONCLUSIONS OF LAW

1.The PSC properly exercises jurisdiction over "public utilities", including interexchange carriers and local exchange carriers which provide "regulated telecommunications service" as defined by law. Sections 69-3-101 and 69-3-803, MCA The PSC is invested with full power of supervision, regulation and control of public utilities. Section 69-3-102, MCA

2.The PSC has the authority to require public utilities to file all such information which it deems appropriate to perform its duties. Sections 69-3-106, 69-3-202, and 69-3-203, MCA The PSC has determined that the information required by this Order is necessary to monitor and analyze the interexchange carrier market.

3.The information gathered pursuant to this Order may be incorporated into the record in the Commission's next Docket which reviews the regulatory status of interexchange carriers in Montana.

#### ORDER

#### IT IS HEREBY ORDERED:

1.USWC, PTI and GTE are ordered to provide the information described in Paragraphs 13a through 13e pursuant to the timetable contained in Paragraph 12.

2.AT&T, MCI, Sprint, Touch America and American Sharecom are ordered to provide the information described in Paragraphs 13f to 13l pursuant to the timetable contained in Paragraph 12.

3.Paragraphs 10 through 13 are hereby incorporated herein by this reference.

4.Any proprietary information required by this Order may be filed with the Commission and submitted to the other parties pursuant to the terms of a Protective Order which will be issued concurrently herewith.

5.The Commission shall retain continuing jurisdiction of the matters addressed in this Order. The requirements herein shall be in effect until and unless modified by subsequent Commission action. This Docket shall remain open indefinitely.

DONE AND DATED this 30th day of November, 1992, by a 3 to 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DANNY OBERG, Chairman

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BOB ANDERSON, Commissioner

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TED C. MACY, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.